

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02111-KBJ**

SOUTHERN UTAH WILDERNESS ALLIANCE v. UNITED
STATES DEPARTMENT OF THE INTERIOR
Assigned to: Judge Ketanji Brown Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 10/12/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**SOUTHERN UTAH WILDERNESS
ALLIANCE**

represented by **William Lawton**
MEYER GLITZENSTEIN & EUBANKS
LLP
4115 Wisconsin Avenue, NW
Suite 210
Washington, DC 20016
(202) 588-5206 ext 107
Fax: (202) 588-5049
Email: plawton@meyerglitz.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph J. Bushyhead
SOUTHERN UTAH WILDERNESS
ALLIANCE
425 East 100 South
Salt Lake City, UT 84111
(810) 236-3775
Email: joe@suwa.org
TERMINATED: 06/15/2018

Katherine A. Meyer
MEYER GLITZENSTEIN & EUBANKS
LLP
4115 Wisconsin Avenue, NW
Suite 210
Washington, DC 20016
(202) 588-5206
Fax: (202) 588-5049
Email: kmeyer@meyerglitz.com
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
THE INTERIOR**

represented by **Marina Utgoff Braswell**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2561
Fax: (202) 252-2599
Email: Marina.Braswell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

BUREAU OF LAND MANAGEMENT

represented by **Marina Utgoff Braswell**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/12/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF THE INTERIOR (Filing fee \$ 400 receipt number 0090-5156199) filed by SOUTHERN UTAH WILDERNESS ALLIANCE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Meyer, Katherine) Modified on 10/12/2017 (zrdj). (Entered: 10/12/2017)
10/12/2017	<u>2</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Joseph J. Bushyhead, :Firm- Southern Utah Wilderness Alliance, :Address- 425 East 100 South, Salt Lake City, Utah 84111. Phone No. - 810-236-3775. Fax No. - 202-588-5049 Filing fee \$ 100, receipt number 0090-5156651. Fee Status: Fee Paid. by SOUTHERN UTAH WILDERNESS ALLIANCE (Attachments: # <u>1</u> Affidavit)(Meyer, Katherine) (Entered: 10/12/2017)
10/12/2017		Case Assigned to Judge Ketanji Brown Jackson. (sth) (Entered: 10/13/2017)
10/13/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF THE INTERIOR, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(sth) (Entered: 10/13/2017)
10/23/2017	<u>4</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by SOUTHERN UTAH WILDERNESS ALLIANCE (Meyer, Katherine) (Entered: 10/23/2017)
10/26/2017	<u>5</u>	GENERAL ORDER AND GUIDELINES FOR CIVIL CASES BEFORE JUDGE KETANJI BROWN JACKSON. The Court will hold the parties and counsel responsible for following these directives, and parties and counsel should pay particular attention to the Courts instructions for briefing motions and filing exhibits. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 10/26/2017. (lckbj1) (Entered: 10/26/2017)
10/26/2017		MINUTE ORDER granting <u>2</u> Motion for Leave to Appear Pro Hac Vice. It is hereby ORDERED that Joseph J. Bushyhead is granted leave to appear pro hac vice in this matter as counsel for Plaintiff. Signed by Judge Ketanji Brown Jackson on 10/26/2017. (lckbj1) (Entered: 10/26/2017)
11/02/2017	<u>6</u>	NOTICE of Appearance by William Lawton on behalf of SOUTHERN UTAH WILDERNESS ALLIANCE (Lawton, William) (Entered: 11/02/2017)
11/02/2017	<u>7</u>	AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT filed by SOUTHERN UTAH WILDERNESS ALLIANCE. (Attachments: # <u>1</u> Supplement Amended Complaint - redline version, # <u>2</u> Summons)(Lawton, William) Modified to add defendant on 11/3/2017 (znmw). (Entered: 11/02/2017)
11/13/2017	<u>8</u>	SUMMONS (1) Issued Electronically as to BUREAU OF LAND MANAGEMENT. (jf) (Entered: 11/13/2017)
11/14/2017	<u>9</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR (Braswell, Marina) (Entered: 11/14/2017)
11/22/2017	<u>10</u>	ANSWER to <u>7</u> Amended Complaint, by BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR.(Braswell, Marina) (Entered: 11/22/2017)
11/22/2017		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure, on or before 12/8/2017. Signed by Judge Ketanji Brown Jackson on 11/22/2017. (lckbj1) (Entered: 11/22/2017)

12/08/2017	<u>11</u>	Joint STATUS REPORT by BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR. (Braswell, Marina) (Entered: 12/08/2017)
12/08/2017		MINUTE ORDER. Based on the representations in the parties' status report, it is hereby ORDERED that the parties shall file a further joint status report on or before 2/15/2018, which shall contain a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 12/08/2017. (lckbj1) (Entered: 12/08/2017)
02/15/2018	<u>12</u>	Joint STATUS REPORT by SOUTHERN UTAH WILDERNESS ALLIANCE. (Bushyhead, Joseph) (Entered: 02/15/2018)
02/22/2018		MINUTE ORDER. The parties have filed a <u>12</u> Joint Status Report that indicates that Plaintiff intends to seek leave to supplement the Amended Complaint in order to add new causes of action relating to additional FOIA requests that Plaintiff has submitted to Defendants. In light of these and other representations in the Joint Report, it is hereby ORDERED that, on or before 3/5/2018, the parties shall file a further joint status report that shall contain a proposed schedule for further proceedings in this case, including the filing of any Amended Complaint. Plaintiff is advised that any request to amend the complaint to add new claims must be in the form of a motion for leave to amend the complaint that is accompanied by a copy of the proposed amended pleading. Furthermore, any amended pleading must address the current status of the FOIA requests, and government responses, that are already part of Plaintiff's action, before adding any new claims pertaining to other FOIA requests. Signed by Judge Ketanji Brown Jackson on 2/22/2018. (lckbj1) (Entered: 02/22/2018)
03/05/2018	<u>13</u>	Joint STATUS REPORT by SOUTHERN UTAH WILDERNESS ALLIANCE. (Bushyhead, Joseph) (Entered: 03/05/2018)
03/06/2018		MINUTE ORDER. Based on the representations in the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before 5/30/2018, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 03/06/2018. (lckbj1) (Entered: 03/06/2018)
03/09/2018	<u>14</u>	MOTION for Leave to File <i>Supplemental Complaint</i> by SOUTHERN UTAH WILDERNESS ALLIANCE (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – Supplemental Amended Complaint, # <u>3</u> Exhibit B – Redline Comparison of Supplemental and Amended Complaints, # <u>4</u> Exhibit C – DOI Final Response to FOIA Request OS–2017–00770, # <u>5</u> Exhibit D – Renewed Statewide FOIA Request, # <u>6</u> Exhibit E – Email Communication re: FOIA Request OS–2017–01323, # <u>7</u> Exhibit F – Appeal of FOIA Request OS–2017–01323, # <u>8</u> Exhibit G – Kane 1 FOIA Request, # <u>9</u> Exhibit H – Text of Proposed Order)(Bushyhead, Joseph) (Entered: 03/09/2018)
03/23/2018	<u>15</u>	RESPONSE re <u>14</u> MOTION for Leave to File <i>Supplemental Complaint</i> filed by BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR. (Braswell, Marina) (Entered: 03/23/2018)
04/10/2018		MINUTE ORDER. It is hereby ORDERED that Plaintiff's <u>14</u> Motion for Leave to File Supplemental Complaint is GRANTED, and Plaintiff's [14–2] Supplemental Amended Complaint is accepted for filing. Defendant shall answer or otherwise respond to the Supplemental Amended Complaint in accordance with the deadlines established in the Federal Rules of Civil Procedure. Signed by Judge Ketanji Brown Jackson on 4/10/2018. (lckbj3) (Entered: 04/10/2018)
04/10/2018	<u>16</u>	Supplemental AMENDED COMPLAINT against BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR filed by SOUTHERN UTAH WILDERNESS ALLIANCE.(jf) (Entered: 04/10/2018)
04/17/2018	<u>17</u>	ANSWER to <u>16</u> Amended Complaint by BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR.(Braswell, Marina) (Entered: 04/17/2018)
05/30/2018	<u>18</u>	Joint STATUS REPORT by BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR. (Braswell, Marina) (Entered: 05/30/2018)

06/05/2018		MINUTE ORDER. In light of the representations in the parties' <u>18</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before 7/15/2018. Signed by Judge Ketanji Brown Jackson on 06/05/2018. (lckbj1) (Entered: 06/05/2018)
06/15/2018	<u>19</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to SOUTHERN UTAH WILDERNESS ALLIANCE. Attorney Joseph J. Bushyhead terminated. (Bushyhead, Joseph) (Entered: 06/15/2018)
07/16/2018	<u>20</u>	Joint STATUS REPORT by BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR. (Braswell, Marina) (Entered: 07/16/2018)
07/17/2018		MINUTE ORDER. In light of the representations in the parties' <u>20</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before 8/20/2018, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 7/17/2018. (lckbj1) (Entered: 07/17/2018)
08/20/2018	<u>21</u>	Joint MOTION for Extension of Time to <i>File Joint Status Report</i> by SOUTHERN UTAH WILDERNESS ALLIANCE (Meyer, Katherine) (Entered: 08/20/2018)
08/23/2018		MINUTE ORDER granting, for good cause shown, <u>21</u> Joint Motion for Extension of Time to File Status Report, nunc pro tunc. It is hereby ORDERED that the parties' joint status report is due on or before 8/28/2018. Any further requests for extensions of time must comply with <u>5</u> the Court's General Order and Guidelines for Civil Cases. Counsel is specifically directed to Section 5 of the Appendix to the General Order and Guidelines. Signed by Judge Ketanji Brown Jackson on 08/23/2018. (lckbj1) (Entered: 08/23/2018)
08/27/2018	<u>22</u>	Joint STATUS REPORT <i>Fifth Joint Status Report</i> by SOUTHERN UTAH WILDERNESS ALLIANCE. (Lawton, William) (Entered: 08/27/2018)
08/28/2018		MINUTE ORDER. Based on the representations in the parties' <u>22</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before 9/19/2018, which shall contain a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 08/28/2018. (lckbj1) (Entered: 08/28/2018)
09/19/2018	<u>23</u>	Joint STATUS REPORT by BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR. (Braswell, Marina) (Entered: 09/19/2018)
09/20/2018	<u>24</u>	SUPERSEDING GENERAL ORDER AND GUIDELINES FOR FOIA CASES ASSIGNED TO JUDGE KETANJI BROWN JACKSON. This Order supersedes this Courts prior <u>5</u> General Order and Guidelines for Civil Cases. The Court will hold the parties and counsel responsible for following these amended directives, and parties and counsel should pay particular attention to the Court's instructions for processing and production of records, batching motions, and filing exhibits. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 9/20/2018. (lckbj1) (Entered: 09/20/2018)
09/20/2018		MINUTE ORDER. In light of the representations in the parties' <u>23</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report on or before 10/19/2018, which shall include a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 9/20/2018. (lckbj1) (Entered: 09/20/2018)
10/19/2018	<u>25</u>	Joint STATUS REPORT by SOUTHERN UTAH WILDERNESS ALLIANCE. (Meyer, Katherine) (Entered: 10/19/2018)
10/23/2018		MINUTE ORDER. Upon consideration of the representations made in the parties October 19, 2018 status report <u>25</u> , it is hereby ORDERED that Defendants shall continue to process responsive documents at a rate of 1,000 pages per month in total (500 pages per month by the Bureau of Land Management, and 500 pages per month by the Department of Interiors Office of Secretary). It is FURTHER ORDERED that the parties shall file a joint status report on or before 12/3/2018, which shall include a

		proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 9/20/2018. (lckbj3) (Entered: 10/23/2018)
10/23/2018		Set/Reset Deadlines: Joint Status Report due by 12/3/2018. (tl) (Entered: 10/24/2018)
12/03/2018	<u>26</u>	Joint STATUS REPORT by SOUTHERN UTAH WILDERNESS ALLIANCE. (Lawton, William) (Entered: 12/03/2018)
12/06/2018		MINUTE ORDER. In light of the representations in the parties' <u>26</u> Joint Status Report, it is hereby ORDERED that, on or before 2/1/2019, Defendant shall file a status report that updates this Court on the status of review and production, that explains precisely why its search is yielding a high number of non-responsive records, and that suggests alternative search terms; Plaintiff may file a response to this status report on or before 2/15/2019. Signed by Judge Ketanji Brown Jackson on 12/6/2018. (lckbj1,) (Entered: 12/06/2018)
01/30/2019	<u>27</u>	Unopposed MOTION for Extension of Time to File <i>Response to the Court's December 6, 2018 Order</i> by UNITED STATES DEPARTMENT OF THE INTERIOR (Braswell, Marina) (Entered: 01/30/2019)
02/06/2019		MINUTE ORDER granting Defendants' Unopposed <u>27</u> Motion for Extension of Time for good cause shown. Accordingly, it is hereby ORDERED that defendants shall respond to the Courts December 6, 2018 Order by filing a status report on or before 2/15/2019, and plaintiff may file any response on or before 3/1/2019. Signed by Judge Ketanji Brown Jackson on 2/6/19. (lckbj3) (Entered: 02/06/2019)
02/07/2019		Set/Reset Deadlines: Status Report due by 2/15/2019. Responses due by 3/1/2019. (gdf) (Entered: 02/07/2019)
02/15/2019	<u>28</u>	STATUS REPORT by BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR. (Braswell, Marina) (Entered: 02/15/2019)
03/01/2019	<u>29</u>	STATUS REPORT by SOUTHERN UTAH WILDERNESS ALLIANCE. (Attachments: # <u>1</u> Text of Proposed Order)(Lawton, William) (Entered: 03/01/2019)